

**REMARKS/ARGUMENTS**

1-20

Claims 1 through 20 are presently pending. In an office action mailed April 2, 2004, (Paper No. 5), claims 1, ~~6-9, 13-16 and 19-20~~ were rejected under 35 U.S.C. 112, as failing to comply with the written description requirement. These rejections are respectfully traversed.

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**Rejections under 35 U.S.C. 112**

Claims 1-20 were rejected under 35 U.S.C. 112 as failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner has failed to comply with M.P.E.P. 608.01(o), "Basis for Claim Terminology in Description," which directs the Examiner to ensure that the "meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import." The Examiner acknowledges that a best path metric is disclosed at page 4, lines 9-12, and that a second best path metric is also disclosed – these are clearly a first path metric and a second path metric. Applicants further note that the best path metric and the second best path metric are further disclosed at pages 16 through 19 of the specification in regards to Figure 6, and draw the Examiner's attention to the description at page 18, lines 18-23, in which it is stated that in "the disclosed embodiment, the soft trellis slicer 527 examines each possible path that can lead to a particular sequence of 3-bit symbols and calculates a probability that a particular path is the "correct" path based upon the path metric sums. If the first and second most likely paths have a large difference in path metric sums, then the trellis confidence signal 227 has a high value. On the other hand, if the first and second most likely paths both have a small difference in probability then the trellis confidence signal 227 has a low value." Clearly, this section and the other cited sections provide support for a "first path metric," a "second path metric," a "best path metric," and a "second best path metric," all the more so based on the claims as filed with the specification and which form part of the original disclosure.

The Applicants also note that the terminology "nominal trace-back length" was also objected to, and the section of the specification supporting the term is cited by the Examiner. The Applicants believe that the cited disclosure of the pending application supports the claim language, which notes that "techniques of the disclosed embodiment calculate the path metrics based upon a trace-back length of one. Using a trace-back length of one prevents a delay in the decoding that might destabilize the loop formed between the trellis decoder 215 and the PTL 213." Clearly, a trace-back length that is greater than one is greater than nominal - if the Examiner still fails to understand what a nominal trace-back length is, then an additional basis for the rejection must be provided. The Applicants are unable to determine whether the rejection is legitimate or merely the result of the Examiner's lack of understanding of the subject matter of the invention. The Applicants further believe that the terminology used is well known in the art; if the Examiner disputes this assertion, the Applicants will be glad to perform a search to provide support.

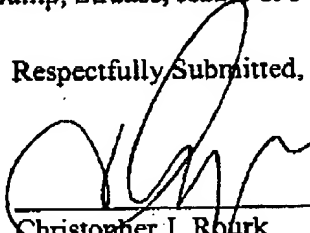
**CONCLUSION**

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the rejections and a Notice of Allowance are courteously solicited.

- 5 If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the undersigned at (214) 969-4669 is hereby requested so that such impediments may be resolved as expeditiously as possible.

- 10 No additional fee is believed to be required with this response. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump, Strauss, Hauer & Feld, L.L.P., No 01-0657

Respectfully Submitted,

  
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Date: July 2, 2004  
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